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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent Application No. : 09/234,036
Inventors : Serge Ayer, et al.
Filed : January 19, 1999
Group Art Unit : 2614
Examiner : David E. Harvey
Customer No. : 24239
Attorney Docket : 014442-000037

Confirmation No. 6571

RECEIVED

NOV 06 2006

OFFICE OF PETITIONS

Title : METHOD AND SYSTEM FOR COMBINING VIDEO SEQUENCES
WITH SPATIO-TEMPORAL ALIGNMENT

MAIL STOP: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the US Postal Service as first class

mail on **October 30, 2006** in an
envelope addressed to Commissioner of Patents,
PO Box 1450, Alexandria, VA 22313-1450

Jennifer L. Skord
Jennifer L. Skord

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned as a result of missing the deadline (extended by 3 months) to reply to the **August 15, 2002** Office Action. Thus, the date of abandonment is **February 16, 2003**, which is the day after the expiration date of the 3-month extended deadline to reply.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;

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750.00 OP

- (3) Terminal disclaimer with disclaimer fee - required for all utility and patent applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the delay was unintentional.

1. Petition fee

Small entity - fee \$750.00 (37 CFR 1.17(m)) is enclosed.

2. Reply and/or fee

The Amendment in reply to the August 15, 2002 Office Action, the Petition for a 3-month extension for replying to the August 15, 2002 Office Action, the Terminal Disclaimer requested in the August 15, 2002 Office Action, and the 3-month extension fee (\$510.00 – small entity) with respect the August 15, 2002 Office Action are enclosed.

3. Terminal Disclaimer – Small entity fee \$65.00 is enclosed.

Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required vis-à-vis the revival, but a Terminal Disclaimer is enclosed vis-à-vis U.S. Patent No. 6,320,624, as requested in the August 15, 2002 Office Action.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as follows.

Up until around March of 2001, applicants' previous U.S. Patent Attorney, Mr. Businger had been communicating regularly with applicants, and then, had begun to fail to communicate.

After repeated requests by applicants, Mr. Businger sent applicants a status report in November of 2002, indicating that he was awaiting the first Office Action. After more requests from applicants, Mr. Businger again sent applicants a status report in May of 2003, indicating that nothing had changed. After even more requests from

applicants, Mr. Businger again sent applicants a status report in March of 2005, indicating that he should be able to report at least partially tomorrow.

Eventually, applicants gave up on Mr. Businger, and retained me through their German Patent Attorney, and I obtained the file wrapper after a lengthy procedure with the US PTO in that I first filed a Petition for Access with the US PTO in September of 2005, and spent several months calling the US PTO in order to receive a decision and eventually received a decision that the Petition was denied, and informing me that instead I should do a Request to Inspect.

Thus, I then forwarded a Request to Inspect to a local Washington DC agent, who obtained the file wrapper in August of 2006 by way of the Request to Inspect. I then forwarded a copy to applicants' German Patent Attorney, who in turn, forwarded a copy to applicants.

Thus at this point, applicants finally learned that there were several items and about which Mr. Businger had not informed applicants -- a first December 5, 2001 Office Action, a Preliminary Amendment to the claims that Mr. Businger had dated December 3, 2001 but filed January 11, 2002 at the US PTO, a second August 15, 2002 Office Action, and a March 30, 2004 Notice of Abandonment.

Next, applicants requested that I prepare and file an Amendment responsive to the August 15, 2002 Office Action, a Petition for a 3-month extension of time for responding to the August 15, 2002 Office Action, a Terminal Disclaimer over U.S. Patent No. 6,320,624 (as requested in the August 15, 2002 Office Action), and a Petition to Revive.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

October 30, 2006

Date

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Encls.: \$1305.00 check (small entity fees) (\$750.00 for Petition to Revive, \$510.00 for 3-month Extension, and \$65.00 for terminal disclaimer)
Petition for 3-month extension
Amendment responsive to August 15, 2002 Office Action
Terminal Disclaimer vis-à-vis U.S. Patent No. 6,320,624